IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 03.02.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.2732 of 2002

R.Sekaran .. Appellant/petitioner

Vs.

The Collector of Dindigul
Anna District, Office of the
Collectorate,
Dindigul. .. Respondent/Respondent

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 30.06.1997 made in W.P.No.11252 of 1994 filed under Article 226 of the Constitution of India praying for issue of a writ of certiorari calling for the records of the proceedings of the Respondent in ROC No.131670/88/H1 dt 22.4.94 and quash the same.

For Appellant : Mr.K.V.Subramanian, SC., for
Mr.R.Kannan

For respondent : Mr.V.Viswanathan
Addl. Government Pleader

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 30.06.1997 made in W.P.No.11252 of 1994, in and by which, the learned single Judge, after finding no merits, has dismissed the writ petition filed by the petitioner.

2. Heard Mr.K.V.Subramanian, learned Senior counsel for the appellant as well as Mr.V.Viswanathan, learned Additional Government Pleader for the respondent.

3. Aggrieved by the proceedings of the District Collector, Dindigul Anna District, dated 22.04.1994, calling upon the petitioner to show cause within three days as to why the community certificate issued to him could not be cancelled, the petitioner has filed W.P.No.11252 of 1994.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

4. It is not in dispute that as per the decision of the Division Bench of this Court reported in 2006 (1) Law Weekly 492 (V.VALLINAYAGAM VS. THE GOVERNMENT OF TAMIL NADU AND FOUR OTHERS), the matter in issue has to be considered by the Three Member District Level Caste Scrutiny Committee and depending on the decision of the Committee, further action has to be taken.

5. In such circumstances, we are of the view that the impugned show cause notice dated 22.04.1994 issued by the Collector, Dindigual Anna District, cannot be sustained. Equally, we are also not in agreement with the observation/adverse comments made by the learned single Judge.

6. In the light of the above discussion, the impugned order of the District Collector, Dindigul dated 22.04.1994 is quashed. Consequently, the order of the learned single Judge dated 30.06.1997 in W.P.No.11252 of 1994 is also set aside. It is open to the respondent to refer the issue relating to the community certificate of the petitioner to Three Member District Level Caste Scrutiny Committee. On reference, the Committee shall take fresh decision without being influenced by any observation made by the District Collector in the show cause notice as well as the learned single Judge.

7. The writ appeal is allowed on the above terms. No costs. Consequently, WAMP No.4631 of 2002 is closed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To,

The Collector of Dindigul
Anna District, Office of the
Collectorate, Dindigul.

+1 cc to The Government Pleader Sr.No.6394.

+1 cc to Mr.M.A.Abdul wahab, Advocate Sr.No.7048.

GM(CO)
dcp/8.2.07

W.A.No.2732 of 2002

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/